

Notice of Allowability

Application No.

10/812,861

Examiner

Katherine A. Bareford

Applicant(s)

VAN STEENKISTE ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment of May 19, 2006.
2. ☒ The allowed claim(s) is/are 12-18,20-22 and 24-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. LaPrairie on May 30, 2006.

The application has been amended as follows:

IN THE SPECIFICATION:

At page 1 of the specification,

-- RELATED APPLICATIONS

This application claims the benefit of U. S. Provisional Application No. 60/462022, filed April 11, 2003. -
is inserted prior to "TECHNICAL FIELD".

At page 1 of the specification,

-- RELATED APPLICATIONS

[0002] This application claims the benefit of U. S. Provisional Application No. 60/462022, filed April 11, 2003. - is deleted after paragraph [0001].

2. This amendment places the "Related Applications" material at the beginning of the specification.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the closest prior art is to Rayburn (US 3731354), Tawfik et al (US 2004/0101738) and Van Steenkiste '796 (US 6623796), which as discussed in paragraph 9 of the Final Rejection of March 20, 2006, provides, in combination the suggestion of kinetic spray coating a metal particles onto a substrate coated with a plastic-type material so that the particles pass through the plastic type material and adhere to the substrate upon impact. However, Van Steenkiste '796 only provides that the particles can be up to 250 microns in diameter for the kinetic spraying. There is no teaching or suggestion in the references to provide that the particles of material that are kinetically sprayed are "600 to 1400 microns" in average nominal diameter as is now required by independent claim 12. Also provided is Van Steenkiste et al '386 (US 6283386), which while it provides that the particles that can be sprayed can be "in excess of 100 microns" (column 2, lines 20-25) also provides that testing has demonstrated the capability of forming kinetic coatings using particles sized in a range between 50 to 106 microns (column 6, lines 5-10), with no indication to one of ordinary skill in the art that particles sized between "600 to 1400 microns" are contemplated and furthermore does not indicate the benefits applicant gets from such a particle size as indicated at paragraph [0025] of this application.

The Examiner notes that claim 12, part e) requires "kinetic spraying of the particles". The Examiner understands by "kinetic spraying" that applicant means that a kinetic spray process described in paragraph [0004] of the specification is performed, whereby the particles are accelerated to a velocity sufficient to adhere to the substrate but do not melt or thermally soften prior to impingement on the substrate, as was discussed in paragraph 2 of the Final Rejection of March 20, 2006. The Examiner notes that claim 12, in the preamble and part c) the covering of the substrate with a "plastic-type" material is claimed, and by "plastic-type" the Examiner understands applicant to mean the term as described in paragraph [0005] of the specification, where applicant states that "In the present specification and claims the term plastic-type material is meant to designate not only true plastic but also polyurethanes, polymers, nylons, rubbers, and elastomers."


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:00-3:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KATHERINE BAREFORD
PRIMARY EXAMINER